



DUMFRIES, VIRGINIA

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DUMFRIES TOWN COUNCIL REGULAR SESSION MINUTES JUNE 7, 2011, 7:00 PM

Present: Mayor Yohey, Vice-Mayor West, Councilors Barr, Foreman, Forrester, Jurgensen, Toney

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Christine Sanders, *Town Attorney*; Chief Taber, *Chief of Police*; Rob Forker, *Administrative Manager (DPD)*; Greg Tkac, *Dir. of Public Works*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager*; Catherine Koslicki, *Town Clerk* and 27 citizens.

Mayor Yohey called the meeting to order at 7:00PM.

There were two Awards presented by the Mayor at the start of the meeting. Five members of the Dumfries-Triangle Rescue Squad (*Rodney Fielding, Corinna Ross-Witkowski, Jordan Skaines, William Wunderle and Evan Jurgensen*) were commended for receiving the "stork award" after delivering a baby on May 3, 2011 and for their service to the Dumfries community. Mr. Larry R. Williams was commended for his service of over 30 years to the Planning Commission and to the citizens of Dumfries.

PUBLIC HEARING

The Public Hearing regarding the proposed FY12 budget was opened at 7:15PM. Mayor Yohey stated the proposed budget would be effective July 1, 2011 and run through June 30, 2012. There were no council or citizen comments and the Public Hearing closed at 7:16PM.

REGULAR SESSION

The Mayor opened the Regular Session at 7:16PM, followed by a moment of silence and the Pledge of Allegiance.

Mayor Yohey asked if there were any changes to the agenda.

Council Lady Barr asked for an item titled "Preservation of Town Treasures" could be added as a discussion item. There were no objections. The Mayor stated the discussion item would be added to the agenda and would be placed before Council Comments.

Council Lady Forrester asked to add "Reappointment of O'Kelly Russell to the Planning Commission" to the agenda as an action item. Ms. Alexander asked for Council to consider a discussion in closed session prior to voting on this item. Several members of Council remarked on adding the item to the agenda. The majority of the comments supported adding the item. Those who were not in favor of adding the item commented they would like to hear from the Town Manager on the issue prior to voting. The Mayor asked the Town Attorney for an opinion. Ms. Sanders stated since there was not a clear consensus, the proper procedure would be to have a motion, a second and a vote.

Council Lady Forrester made a motion to add "Reappointment of O'Kelly Russell" to the agenda as action item. The motion was seconded by Councilman Toney. Ayes: Foreman, Forrester, Toney, West; Nays: Barr*, Jurgensen, Yohey. Motion passed, 4-3.

**Council Lady Barr stated she would like it noted she was voting no because she wanted to hear the Town Manager's comments.*

To keep the actions consistent, the Town Attorney asked for a vote on the additional agenda item requested by Council Lady Barr. Council Lady Barr made a motion to add "Preservation of Town Treasures" to the agenda as a discussion item. The motion seconded by Councilman Toney. On the roll call, the vote was unanimous. Motion passed.

Mayor Yohey asked if there were any additional changes to be made to the agenda. Ms. Alexander stated if Council was prepared to vote, they could remove the Closed Session item from the agenda and place it under action items. The Mayor asked if she was prepared to discuss the terms in Open Session. Ms. Alexander stated if there needed to be discussion; she would recommend keeping the item under Closed Session.

The following items were added to the agenda:

- Action Item 9E, Reappointment of O'Kelly Russell
- Discussion Item, Preservation of Town Treasures

INFORMATION ITEMS

a. Boys & Girls Club:

Ms. Alexander stated Mr. Hanes from the Boys & Girls Club was unable to attend and asked for the presentation to be rescheduled. The Mayor asked the Clerk to place the item on the agenda for the next meeting.

CITIZEN COMMENTS

There were no citizen comments.

MAYOR COMMENTS

Mayor Yohey stated he had several items he would like considered for future discussion. He listed the following items:

1. Town Manager Annual Appraisal

He stated this should be a priority and asked Council to set a date for the review. Council agreed on either the 23rd or the 30th at 7PM. The Mayor asked the Clerk to confirm the date with Councilman Foreman and notify Council of the scheduled date. He asked for any Council member not attending the review to submit their evaluation early. He advised Council members could consider ½ points in their scores.

2. Welcome to Dumfries signs
He stated the DBA has funds they are willing to contribute for the project.
3. BPOL delinquency
4. Possum Point Road
5. Projects ongoing to include discussion regarding funding

STAFF REPORTS

- a. **Town Manager:** Ms. Alexander submitted her report as provided and highlighted several items. She advised Council that staff is working on an RFP for the Streetscape project that will cover feasibility studies, preliminary engineering work, project scoping and concept planning. She advised there are plans for a second Public Input meeting and there will be opportunities throughout the project planning phase for continued citizen input.

She advised Council the next step for the Graham Park Road park project is to facilitate citizen input meetings. Council should expect for those meetings to be scheduled in late June/early July. After the meetings are held, staff will develop a concept plan for Council approval. Once a concept has been approved, a budget will be developed and staff will pursue funding opportunities.

She reminded Council of the Byrnes/JAG grant applied for and advised them she has been notified if funding is awarded, it will only be \$35,625 (for 6 months) due to the extension requested to utilize the existing awarded funding. She advised she will be presenting Council with options regarding this grant at the next meeting.

She welcomed the new Town Attorney, Christine Sanders and advised Council there are several positions within Community Development, Public Works and the Police Department that have been advertised.

Councilman Foreman asked if Ms. Alexander had an update on the status of the Comp Plan. She advised Ms. Sandlin will address the question during her report. He asked if the cleanup has begun on the property the Town purchased on Main Street. Mr. Tkac advised the cleanup project has been contracted to the on-call vendor for both the Main Street property and the Graham Park Road park. Due to potentially dangerous conditions, the cleanup efforts will begin at the park property. Councilman Foreman asked if the cleanup of the properties will be funded from this FY. Mr. Tkac affirmed. Councilman Foreman asked for an update on the Tripoli project. Mr. Tkac advised this item will be reviewed during his report.

The Mayor asked Ms. Alexander to remind Council what the Byrnes/JAG grant is for. She advised the grant is through DCJS and is to support programs for at risk youth and/or crime prevention.

Councilman Toney asked if there had been resolution to the Singh contract. Ms. Alexander stated the item is on the agenda for discussion in Closed Session.

- b. Assistant Town Manager:** Ms. Holtzlander submitted her report as provided and highlighted several items. She announced the Multicultural Festival is scheduled for Saturday August 6th from 10AM to 5PM. She stated the last Senior/Retirees luncheon for the summer will be held on Friday, June 17th. She introduced the students for the Summer Intern Program (*Mary B. Padberg, Jessica M. Praino and Justin D. Tubbs*) and reminded staff and Council the program will run from July 5th to August 12th.

Mayor Yohey commended Ms. Holtzlander on running a great Summer Intern Program and congratulated the programs' 3rd year. Vice-Mayor West stated the essays submitted this year have been the best essays submitted for the program thus far. She is very impressed with the students and congratulated them on their selection. Councilman Toney agreed with the Vice-Mayor and stated the Town Manager should look into some of the suggestions made by the students.

Vice-Mayor West asked if the joint meeting with HDV was still scheduled for the 15th. Ms. Holtzlander affirmed. The Vice-Mayor stated the Civ-Mil event is on the same day. Ms. Holtzlander advised the meeting with HDV was scheduled prior to the announcement of the Civ-Mil event and HDV would like to keep the meeting since they have budgetary questions to discuss with Council.

- c. Chief of Police:** Chief Taber submitted his report as provided and highlighted several items. He stated the Rolling Thunder event was extremely successful and he attributed that largely to the planning done by the Harley Davidson dealership. He thanked Ray (with the Public Works Department) for assisting the Police Department with traffic cone setup. He advised, Ray volunteered on his day off and his participation exhibited the spirit of team work.

He announced the National Night Out Celebration will take place on Wednesday, August 3rd. He stated one of his goals since becoming Police Chief is to increase participation with this event throughout the community. He advised he has spoken to the HOAs to host events within their neighborhoods and would like Council's help in soliciting volunteers from the other neighborhoods: the Knolls, Tripoli Heights, Prince William Estates and the combined area across from Town Hall. The Police Department is planning a motorcade to travel through each neighborhood, including the Community Center where an event is planned for the seniors. He invited the members of Council to join him in the motorcade. Also as part of the National Night Out Celebration, the Police Department is asking for citizens to turn their lights on from 7PM to midnight.

Councilman Foreman stated the Hampstead Landing HOA sends their appreciation of the efforts of the Police Department. He alerted the Chief to an issue that was brought to his attention by a citizen (*Agnes Rodriguez*) regarding commuter parking on Wilson Street. The issue is non-residents parking on Wilson Street and then walking to the commuter lot (located on Rt. 234.) Chief Taber advised he was made aware of the issue and has already looked into the situation. He advised there is no public safety issue that can be identified. He stated he is willing to speak with the residents on the issue if needed. He stated Council may address the issue by limiting parking if they choose. Councilman Toney referenced the parking limitations in neighborhoods in DC as an example. He stated each neighborhood has a sticker and parking is limited to those residents. Mr. Tkac advised Council that the current parking policy allows Council to address these types of issues and remedy as needed.

Council Lady Forrester stated she is a resident of Wilson Street and she would not be in favor of limiting the parking because that would affect the guests of the residents and not just "commuters." Councilman Foreman asked if the walk-thru could be closed. Council Lady Forrester stated the residents use the walk-thru as well. Chief Taber advised Council, he will work with Ms. Sanders and Mr. Tkac and present this item at the next Council meeting.

- d. **Director of Public Works:** Mr. Tkac submitted his report as provided and highlighted several items. He thanked Ms. Holtzlander for the exceptional job she did taking care of the day to day operations of the Public Works Department during his extended absence. He advised Council on the status of various projects throughout the town including Graham Park Road park, paving, concrete work, the Community Center, Possum Point Road, Fairfax Street, signs, and pavement markings. He advised he is currently working on a RFP for the engineering and design of the Graham Park Road/Main Street intersection. He also advised Council, RDA is proceeding with securing the rights-of-way, temporary construction easements and permanent drainage easements for the project. He will be scheduling a public information meeting in July.

Council Lady Barr asked if "our recommendation" (referencing information in his monthly report) referred to Council or staff. Mr. Tkac advised it referred to staff. She asked what the purpose is of the sidewalk from Main Street to the Community Center. He advised currently to get to the Community Center from the sidewalk along Main Street; citizens have to walk through the parking lot. The new sidewalk would eliminate walking through the parking lot. She asked where Orange Street is located. He stated off of Old Triangle Road.

Council Lady Jurgensen asked if Mr. Tkac had an update on the traffic mirror to be installed at Van Buren and Mine Road. He advised he will get the information and provide it to Council.

Councilman Toney asked about the pothole on Old Triangle Road. Mr. Tkac advised it should have been on the list, the project will be added. Councilman Toney asked about the possible speed bumps in Port of Dumfries (Masthead Trail). Mr. Tkac advised he will look in to possible traffic control measures. The benefit to speed bumps would be to slow traffic, but the negative affect is drivers increase their speed between bumps and they slow the response time of emergency vehicles. Council Lady Forrester stated there needed to be a process to address items like these that includes resident input.

Councilman Foreman stated "staff" made the decision to move forward (regarding the Tripoli project). He stated he thought members of Council were supposed to speak with residents prior to moving forward. He also asked if the Town Manager was involved in the decision to move forward. Ms. Alexander stated she was aware. Council Lady Forrester stated she and Council Lady Jurgensen were supposed to speak with the residents and progress was stalled because they were waiting on "talking points." She stated she was not aware she had received them already. She also stated that Council Lady Jurgensen mentioned it would not have been worth the effort based on the conversations she had already had with some Tripoli residents. Mr. Tkac advised since no progress had been made, staff made the decision to move the project forward and the contractor will be speaking to the residents.

Councilman Foreman asked if more money was needed for the project. Mr. Tkac the funding is in good shape. Council Lady Jurgensen stated Council Lady Forrester was correct. They were supposed to speak with the residents. However, recently Council received a delinquent tax list and she discovered some of the properties were on the list. She stated there are other properties that are either rentals or foreclosures, so there would be no purpose in knocking on those doors.

Council Lady Jurgensen asked if the fire extinguishers were tested by PWC. Mr. Tkac advised the town has a 2 year contract administered by Ms. Frye.

Council Lady Barr stated talking to the citizens is extremely important and shouldn't be bypassed. She suggested that an alternative consideration for the parking issue in Tripoli Heights could be limited parking that is time specific. This alternative could address Council Lady Forrester's concern about guest parking. Ms. Alexander stated RDA (the contractor) will be speaking to each of the affected residents. Council Lady Barr asked if there was an incentive for RDA to negotiate the best possible price. Ms. Alexander advised yes, future business with the Town is their incentive.

Vice-Mayor West asked if the Public Works positions had been advertised in the paper yet. Ms. Holtzlander advised they are posted in-house for 5 business days prior to being advertised.

Council Lady Forrester stated she does not agree with negotiating (regarding rights-of-way for the Tripoli project.) Mr. Tkac advised this is normally planned for in advance, prior to the start of the project. He cited a special tax district as an example. He stated nothing was done in advance and they need to secure the rights as quickly as possible. She stated she would not support a special tax district in this case. Tripoli Heights is one of the oldest neighborhoods in the Town and she feels the Town owes the citizens, but the citizens should not benefit. Council Lady Barr asked for a report on the 37 houses affected by the project. The report should note what properties are delinquent, rentals and foreclosures.

Mayor Yohey asked if the on-call contractor is performing the cleanup work at the Graham Park Road park. Mr. Tkac affirmed. The Mayor asked if they were licensed to handle asbestos. Mr. Tkac advised they have hired a sub-contractor to handle that. The Mayor asked for the approximate cost of the cleanup. Mr. Tkac advised approximately \$10,000. Mayor Yohey stated the code states the Town Manager is required to request Council approval for contracts over \$5000. Ms. Alexander stated that does not apply to "on-call" services. Mr. Tkac advised the on-call contract provides him with the authority to carry out the contract. The Mayor stated he believes the authority would be for routine projects (example: paving). He stated Council made need to change the language in the future.

- e. **Director of Community Development:** Mr. Khokhar submitted his report as provided and highlighted a couple items. He stated the Planning Commission discussed two items at their previous meeting: the Hashimi rezoning application and a preconference regarding the possible rezoning of 18014 Fraley Blvd. He stated there was no meeting of the BZA due to lack of quorum. He advised the Town Clerk has been working with the Circuit Court to get the members sworn in.

Councilman Toney stated he had spoken to Ms. Begley several times regarding the issues in getting members for the BZA. He would like for staff to review the process to make it more efficient. Ms. Koslicki advised she had already spoken with Ms. Holtzlander regarding the process for filling vacancies on all three boards/commissions. She stated she will prepare a procedure to make the process more efficient for all groups.

- f. **Director of Economic Development & Marketing:** Ms. Sandlin submitted her report as provided and highlighted several items. She advised Council the Business Resource Guide was included in Council's packet and the New Resident's Guide should be presented to Council in July. She advised MDA is working on uploading the website content provided by staff. BETA testing should begin in approximately 3-4 weeks. She advised the Economic Development Advisory Group (EDAG) has begun developing the Economic Development Strategic Planning process. She stated the process will take approximately 6-8 months. She advised Councilman Foreman, regarding his question on the status of the Comp Plan, the Steering Committee was waiting for Mr. Tkac to return and reconvene the Transportation Sub-Committee. She advised the goal is for the whole Steering Committee to meet in mid-July.

ADOPTION OF CONSENT AGENDA

Council Lady Barr made a motion to adopt the consent agenda with amendments. The motion was seconded by Vice-Mayor West. On roll call the vote was unanimous, motion passed.

ACTION ITEMS

a. **Consider adopting the proposed FY12 Budget**

Councilman Foreman asked why the Mayor voted against the FY11 budget. The Mayor stated he did not recall. Councilman Foreman stated the funds for Professional Services were decreased. He asked what services the Town is not going to receive because of the reduction. Ms. Alexander advised there is still \$2500 for Professional Services and the remainder would have been spent on unexpected items/projects. He stated that as the Town gets "healthier" the budget grows. Ms. Alexander stated the rate has been increased twice to .3533 as an equalization rate. She advised that overall, most tax bills decreased. She also stated that the "operating" budget has not increased. The overall budget has increased due to additional grants and to maturing road funds. Councilman Foreman stated he appreciated the explanation, but he will not vote to adopt the proposed budget.

Council Lady Forrester supported Councilman Foreman's comments and stated she will not vote to adopt the proposed budget.

Council Lady Jurgensen made a motion to adopt the proposed FY12 budget with a second by Vice-Mayor West. Ayes: Barr, Jurgensen, Toney, West, Yohey; Nays Foreman, Forrester. Motion passed, 5-2.

b. **Consider adopting the Ordinance to Appropriate Funds for Fiscal Year 2012**

Council Lady Barr made a motion to adopt the Ordinance to Appropriate Funds for Fiscal Year 2012. The motion was seconded by Council Lady Jurgensen. Ayes: Barr, Jurgensen, Toney, West, Yohey; Nays Foreman, Forrester. Motion passed, 5-2.

c. Consider adopting the Real Estate Tax Rate for the Calendar Year

Ms. Alexander stated the request was made by the Treasurer to adopt the tax rate on a calendar year basis instead of a fiscal year basis. She stated the benefit would be for citizens to pay for a full year of real estate taxes at the same tax rate.

Mayor Yohey asked if this would make the Town consistent with the County. Ms. Alexander affirmed.

Several Council members asked how the changed would affect the budget just adopted. The consensus was to move the item to the next meeting when the Treasure is present to answer questions.

d. Consider 1st Reading of the proposed Ordinance Amendment to Sec. 26-157 relating generally to Adjustment or Reduction of Stormwater Management Fees

Council Lady stated the proposed language benefits only HOAs. She stated she felt residents who are managing their own stormwater should be afforded the same benefits. Councilman Foreman stated businesses already receive the benefit of a discount if they manage their own stormwater. He stated the proposed language would match that benefit. Mayor Yohey stated he doesn't feel anyone should have to pay the fee twice.

Council Lady Forrester made a motion to have the 1st Reading of the proposed Ordinance Amendment to Sec. 26-157 relating generally to Adjustment or Reduction of Stormwater Management Fees. The motion was seconded by Councilman Foreman. Ayes: Foreman, Forrester, Jurgensen, West, Yohey; Nays: Barr, Toney. Motion passed, 5-2.

Council Lady Forrester stated she understands Council Lady Barr's comments and suggests a compromise. She suggested the language include single family residents. Mr. Tkac advised he does not have the manpower to draft language to include individuals. Ms. Alexander advised she will have the Town Attorney assist Mr. Tkac.

e. Reappointment of O'Kelly Russell

Ms. Alexander asked for Council to consider a Closed Session discussion prior to voting on this item. The Mayor stated he feels a vote tonight would discriminate against other candidates. Council Lady Forrester advised the Chair of the Planning Commission would like for Mr. Russell to be reappointed and Mr. Russell would like to continue serving on the Planning Commission.

Council Lady Forrester made a motion to reappoint O'Kelly Russell to the Planning Commission with a second by Councilman Toney.

Vice-Mayor West made a motion to amend Council Lady Forrester's motion to include a Closed Session discussion prior to the vote. The Vice-Mayor's motion was seconded by Council Lady Barr. Council Lady Forrester denied the suggested amendment, there was no vote taken on the amended motion, the question before Council reverts to the original motion-reappoint O'Kelly Russell to the Planning Commission.

Ayes: Foreman, Forrester, Toney, West; Nays: Barr, Jurgensen, Yohey. Motion passed, 4-3.

DISCUSSION ITEMS**a. Preservation of Town Treasures**

Council Lady Barr stated the Town has a lot of “treasures” that need to be recorded and preserved for future generations. She stated one of the Town’s biggest assets is its citizens. She cited Mr. Lee Lansing and his collections of resources as an example. She stated the town should be gathering information from people like Mr. Lansing and recording the information. She suggested this as a possible project for HDV. Ms. Holtzlander advised that HDV applied for a grant several years ago (and received) for this purpose. She stated she believes the funds were used to purchase audio/video equipment. She also stated HDV is seeking volunteers and interns to assist them with the project. She advised the item will be a discussion item at the joint meeting. Council Lady Forrester advised she is a researcher and can offer assistance to HDV if needed.

COUNCIL COMMENTS

Councilman Toney thanked the citizens for their attention and involvement. He announced a “mortgage burning” celebration at Little Union Baptist Church this weekend.

Council Lady Forrester asked if the Council buttons could be replaced by light switches so they wouldn’t hold them to be recognized. Mr. Tkac stated he would look into replacing them.

Council Lady Jurgensen congratulated all the graduates and thanked her professor, June Forte, for visiting Dumfries, Scotland as an Ambassador for the Town.

Councilman Foreman reminded everyone of the recent holiday, Memorial Day. He thanked the members of the military and their family members for their service to their country and he asked for those members who lost their lives be remembered.

Vice-Mayor West and Council Lady Barr had no comments.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (6) Financial Interest regarding pending contract negotiations. Councilman Toney seconded the motion. Ayes: Barr, Foreman, Jurgensen, Toney, West, Yohey; Nays: Forrester. Motion passed, 6-1. Council entered closed session at 10:59 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Council Lady Jurgensen. On roll call the vote was unanimous, motion passed. The Council returned to open session at 11:10 PM.

Councilman Toney made a motion to authorize the Town Manager to go forward with the contract with the terms as discussed. The motion was seconded by Council Lady Barr. On roll call the vote was unanimous, motion passed

ADJOURN

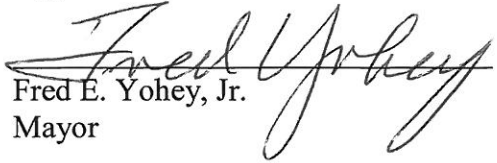
Council Lady Jurgensen made a motion to adjourn with a second by Council Lady Barr. All Ayes. The meeting adjourned at 11:11 PM.

Minutes submitted by



Catherine H. Koslicki
Town Clerk

Approved by



Fred E. Yohey, Jr.
Mayor